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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,697	03/21/2001	Rene Francois Albert Collard	0142-0348P-SP	1863
2292	7590	06/16/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH			GIBBS, HEATHER D	
PO BOX 747				
FALLS CHURCH, VA 22040-0747			ART UNIT	PAPER NUMBER
			2622	

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/812,697	COLLARD ET AL.
	Examiner	Art Unit
	Heather D. Gibbs	2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 November 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 21 March 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's arguments filed 11/29/04 have been fully considered but they are not persuasive. Applicant argues Barrett et al (US 5,301,036) doesn't disclose, "exactly what rotations are to be performed". Examiner respectfully disagrees. In Col 7 Lines 40-48, Barrett discloses wherein rotation decisions are made for the operator in accordance with a preselected group of possible options. Secondly, Applicant argues "it is not clear from the disclosure if the Barrett et al device has a notion of the image orientations. Upon further review, the Examiner finds that it is clear from the disclosure the notion of the image orientations. See Fig 8a: Col 7 Lines 49-62. Lastly, Applicant argues, "it would seem that there is no basis to decide that the Barrett apparatus should have an automatically determined notion of the image orientation of the individual images of the original document to be copied." The examiner respectfully disagrees. In the background section of Barrett he states his invention relates to electronic printers and printing systems to accomplishment of certain jobs in such devices, which provide automatic rotation images. Further explanation is detailed in Col 1 Lines 45-49.

Regarding the incorporation of Yamashita and Kaneko et al and Williams et al, Applicant argues these references are invalid since "Barrett et al does not disclose a notion of the image orientations, and accordingly would not make the claims of the present application obvious over a combination of " the previously cited patents. However, since the examiner finds that Barrett et al does disclose these features, the rejections still remain.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2,8-9,11-12,18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Barrett et al (US 5,301,036).

Regarding claim 1, which is representative of claim 11, Barrett teaches a digital copying apparatus for making a copy of a document, wherein a document has an orientation associated with a physical direction of the document with respect to the apparatus, and wherein a document contains an image with a reading direction and with an image orientation with respect to the document, which comprises: a scanner unit 4 for scanning a document to generate a digital image corresponding to the image on the document, a processing unit 25 for processing the digital image, a printer unit 8 for making a copy of the image by converting the digital image into an image on a receiving medium, observing the image orientation established for the image on the document, and a control unit 7 connected to the scanner unit, the processing unit and the printer unit, wherein the control unit automatically defines the image orientation of the image on each document on the basis of the orientation of the document and on an assumption that the reading direction of the image on the document is always situated in a fixed

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predetermined position with respect to the scanner unit (Fig 2; Col 7 Lines 19-27;40-68; Col 8 Lines 1-28;40-48).

Considering claim 2, which is representative of claim 12, Barrett teaches wherein the reading direction assumed by the control unit corresponds to the reading direction of an operator standing in front of the apparatus [operator programs the jobs that the control unit performs] (Col 7 Lines 19-27).

Considering claims 8-9, which are representative of claims 18-19, Barrett teaches wherein the processing unit is adapted to make combination copies by combining at least two images, each originating from a different document, on one side of the receiving medium, wherein the printer unit, when making combination copies automatically, selects for each copy an orientation based on the automatically defined image orientation of the images on the documents and wherein the printer unit can only make copies with a fixed copy orientation, and wherein the processing unit is also provided with a rotation device for rotating digital images through right angles or a multiple thereof, wherein the processing unit, if necessary, switches on the rotation device in order to rotate images for combination and combines the images for combination, possibly after rotation, in a sequence which it selects automatically on the basis of the automatically defined image orientation of the images on the documents (Fig 11; Col 10 Lines 8-26).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-6, 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrett et al (US 5,301,036) in view of Yamashita et al (US 5,907,744).

Barrett discloses the digital copying machine as described above.

Barrett does not disclose expressly a finishing unit for finishing copies, and observing the image orientation automatically established for the image on the document, which comprises at least one stapling head, a punching device, or a binding unit.

Yamashita discloses a finishing unit 31 for finishing copies, and observing the image orientation automatically established for the image on the document which comprises at least one stapling head 33, a punching device 37, or a binding unit 35 (Fig 2; Col 4 Lines 54-67).

Barrett & Yamashita are combinable because they are from the same scope of nature.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to utilize Yamashita with Barrett.

The suggestion/motivation for doing so would have been as Yamashita teaches of an image forming apparatus which inputs an image of an original document supplied from an image reader as well as externally connected to a printer.

Therefore, it would have been obvious to combine Barrett with Yamashita to obtain the invention as specified in claims 3-6,13-16.

6. Claims 7,17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrett et al (US 5,301,036) in view of Kaneko et al (US 5,517,295).

Barrett discloses the digital copying apparatus as discussed above.

Barrett does not disclose expressly wherein the printer unit is adapted to make duplex copies by duplex printing of the receiving medium, wherein the printer unit, when making duplex copies of simplex documents, automatically selects the binding edge for each copy at a fixed predetermined side with respect to the automatically defined image orientation of the image of the document.

Kaneko discloses wherein the printer unit is adapted to make duplex copies by duplex printing of the receiving medium, wherein the printer unit, when making duplex copies of simplex documents, automatically selects the binding edge for each copy at a fixed predetermined side with respect to the automatically defined image orientation of the image of the document (Col 6 Lines 60-67; Col 8 Lines 47-62; Col 18 Lines 53-57).

Barrett & Kaneko are combinable because they are from the same scope of nature.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to utilize Barrett with Kaneko.

The suggestion/motivation for doing so would have been as Kaneko teaches of an image forming apparatus having a duplex mode that automatically binds.

Therefore, it would have been obvious to combine Barrett with Kaneko to obtain the invention as specified in claims 7,17.

7. Claims 10,20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrett et al (US 5,301,036) in view of Williams et al (US 5,390,029).

Barrett discloses the digital copying apparatus as discussed above.

Barrett does not disclose expressly wherein the processing unit is adapted to break down combination documents by generating digital images, each corresponding to a different image on one side of a such a document, wherein the control unit automatically defines for each document the image orientation of the images on one side of the document on the basis of the orientation of the document and on an assumption that the reading direction of the images on the document is always situated in a fixed predetermined direction with respect to the scanner unit, and wherein when breaking down combination documents, the processing unit processes the said digital images observing said image orientation.

Williams discloses wherein the processing unit is adapted to break down combination documents by generating digital images, each corresponding to a different image on one side of a such a document, wherein the control unit automatically defines for each document the image orientation of the images on one side of the document on the basis of the orientation of the document and on an assumption that the reading direction of the images on the document is always situated in a fixed predetermined

direction with respect to the scanner unit, and wherein when breaking down combination documents, the processing unit processes the said digital images observing said image orientation (Fig 1, 2A,2B; Col 6 Lines 40-58).

Barrett & Williams are combinable because they are from the same scope of nature.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Williams with Barrett.

The suggestion/motivation for doing so would have been as Williams teaches of a method for controlling the execution of image processing operations carried out on array of image signals.

Therefore, it would have been obvious to combine Barrett with Williams to obtain the invention as specified in claims 10,20.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

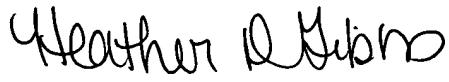
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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D. Gibbs whose telephone number is 571-272-7404. The examiner can normally be reached on M-Thu 8AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Heather D Gibbs  
Examiner  
Art Unit 2622

hdg

  
EDWARD COLES  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2633